

**BARCLAY DAMON** <sup>LLP</sup>

**Matthew J. Larkin**  
Partner

June 14, 2024

**VIA ECF**

Hon. Miroslav Lovric  
Magistrate Judge  
U.S. District Court  
Northern District of New York  
15 Henry Street  
Binghamton, NY 13901

Re: Kearns v. Wallin and Syracuse University  
NDNY Civil No.: 5:23-cv-01500 (DNH-ML)

Dear Lovric:

Per the Court's April 15, 2024 Text Order (Dkt. No. 31), please accept Defendant Syracuse University's (the "University") status report on the stay of this matter and an update on the Delaware Court of Chancery and New York Ancillary Receivership matters.

As previously noted, on March 1, 2024, an Order to Show Cause was signed in *Matter Harris, Superintendent of Financial Services of the State of New York, for an Order of Appointment as Ancillary Receiver of Arrowood Indemnity Company*, New York County Index No. 450124/2024. *See* Dkt. No. 29-1. The Order to Show Cause sought the commencement of a New York ancillary receivership proceeding for Arrowood, appointment of Superintendent Harris as ancillary receiver and a 180 day stay of all actions and lawsuits against Arrowood or in which Arrowood is obligated to defend an insured. The Order to Show Cause included a temporary stay of all proceedings in which Arrowood is obligated to defend a party, pending the hearing and determination of the application.

The Order to Show Cause set an oral argument date of March 28, 2024. According to the New York Liquidation Bureau's website, oral argument was moved to June 4, 2024. No decision has been filed with regard to the Order to Show Cause. Accordingly, the temporary stay remains in effect.

With regard to the *Delaware ex. rel. Navarro v. Arrowood Indemnity Company* matter, there is little to report. The University is in the process of drafting claim forms to submit in the Delaware Court of Chancery matter, but have not yet filed the same. The deadline to submit a proof of claim is January 15, 2025.

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It remains the University's position that pending a decision in the New York Ancillary Receivership proceeding, this matter is stayed by virtue of the Order to Show Cause. In all likelihood, the application will be granted, and another 180 day stay imposed.

As always, we will continue to keep the Court apprised of any updates and changes. We remain available to the Court if a conference is required. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matthew J. Larkin", written in a cursive style.

Matthew J. Larkin

MJL

cc: Counsel of Record **Via ECF**